

United States Courts
Southern District of Texas
FILED

A091 (Rev. 8/01) Criminal Complaint

OCT 11 2005

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

Michael N. Milby, Clerk of Court

UNITED STATES OF AMERICA

V.

Sergio BARRAGAN Juan Manuel GONZALEZ-Trejo
Aka: Francisco Martinez

CRIMINAL COMPLAINT

Case Number: C-05-628M

Ever GUEVARA-Gandarilla

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 10/10/2005 in Brooks County, in the (Date)

Southern District of Texas defendants, Sergio BARRAGAN, Juan Manual GONZALEZ-Trejo and Ever GUEVARA-Gandarilla

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

See Attached Affidavit of ICE Special Agent

Javier Vela

Continued on the attached sheet and made a part of this complaint:

Yes No
Signature of Complainant

Javier Vela

Printed Name of Complainant

Sworn to before me and signed in my presence,

October 11, 2005

Date

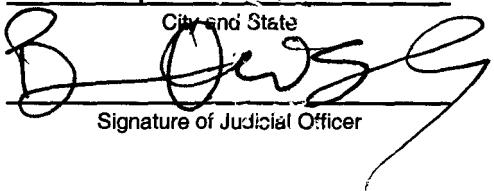
Brian L. Owsley, U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State


Signature of Judicial Officer

AFFIDAVIT

On October 10, 2005, Border Patrol Agents from Falfurrias, Texas were notified from a concerned citizen that a red van with Texas license plate #747-DZJ had picked up several aliens at the road side park south of Falfurrias, Texas. Border Patrol Agent Lee responded to the call, and caught up to a red Oldsmobile Bravada with Texas license plate #747-DZJ that was traveling north on Highway 281 from the roadside park. Border Patrol Agent Lee caught up to the vehicle in his unmarked unit, and observed several subjects inside the vehicle lying one on top of each other. Agent Lee also noted that the rear end of the Bravada was riding low as if it was overloaded with people. Agent Lee notified units ahead of him via service radio and told them of his observation.

Border Patrol Agent Hamer and his partner Border Patrol Agent Felix Recio received the information from Agent Lee, and pulled in behind the Bravada, and initiated a vehicle stop. The vehicle pulled over to the side of the road, and came to a stop, and the doors flew open. Agents responded and prevented the escape of any of the occupants.

Sergio BARRAGAN was encountered in the driver's seat; Ever GUEVARA-Candalaria was discovered in the front passenger's seat. Ten other individuals were discovered lying on top of each other in the rear passenger seat area. Agents Hamer and Recio conducted immigration inspections upon the occupants, and determined they were all undocumented aliens, from Nicaragua, Honduras, Mexico, Guatemala, and the Dominican Republic. All subjects were placed under arrest, and transported back to the Falfurrias Border Patrol Station.

Sergio BARRAGAN was mirandized and indicated that he understood his rights, and was willing to answer questions without an attorney present. BARRAGAN stated that the maroon Bravada he was driving had been dropped off at the rest area for him. He claimed that he had taken a bus from Houston, TX, to Falfurrias, TX, and was walking to the rest area to pick up the vehicle. After that statement he refused to answer any more questions.

All the aliens were mirandized in the Spanish language indicated that they understood their rights, and were willing to answer questions without an attorney present.

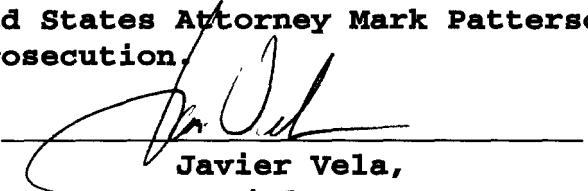
FERNANDEZ-Madera admitted that he is a citizen of the Dominican Republic, and that he entered the United States without being inspected, admitted or paroled. He also positively identified Ever GUEVARA-Gandarilla and Juan Manuel GONZALEZ-Trejo as the brush guides that guided them through the brush land around the Falfurrias Border Patrol Checkpoint.

Francisco DISLA admitted that he is a citizen of the Dominican Republic, and that he entered the United States without being inspected, admitted or paroled. He also positively identified Juan Manuel GONZALEZ-Trejo and Ever GUEVARA-Gandarilla as two individuals that guided them through the brush that surrounds the Falfurrias Border Patrol Checkpoint. He also identified GUEVARA-Gandarilla as the owner of a cell phone that was used to call the driver of the red Bravada to pick them up from the roadside park.

Wilton Jose PAYANO-Henriquez admitted that he is a citizen of the Dominican Republic, and that he entered the United States without being inspected, admitted or paroled. He also positively identified Ever GUEVARA-Gandarilla and Juan Manuel GONZALEZ-Trejo as the brush guides that guided the group around the Falfurrias Border Patrol Checkpoint. He also identified Ever GUEVARA-Gandarilla as the lead brush guide who had the only cell phone in the group. PAYANO-Henriquez stated that GUEVARA-Gandarilla used this phone to call the red Bravada that picked them up from the roadside park.

Border Patrol Agents discovered a cell phone in the possession of BARRAGAN at the time of his arrest. They also discovered a cell phone that was sitting under the front passenger seat that Ever GUEVARA-Gandarilla was sitting on. A search incident to arrest on the calls indicated that there were calls made back and forth to each phone that corresponded to the time frame of the arrest.

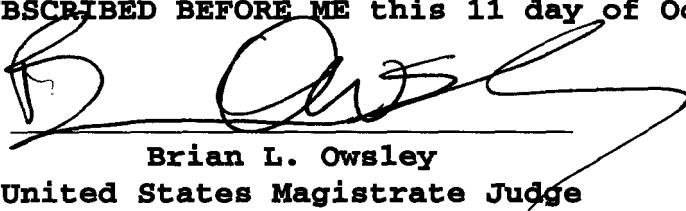
Assistant United States Attorney Mark Patterson accepted
the case for prosecution.



Javier Vela,
Special Agent

Immigration and Customs Enforcement

SWORN TO AND SUBSCRIBED BEFORE ME this 11 day of October,
2005.



Brian L. Owsley
United States Magistrate Judge